

# ATTACHMENT 2



U.S. Department of Justice

Environment and Natural Resources Division

skc

90-11-2-1045/3

Environmental Enforcement Section  
P.O. Box 7611  
Ben Franklin Station  
Washington, DC 20044-7611

Telephone (202) 514-5271  
Facsimile (202) 353-0296  
Facsimile (202) 514-0097

Counsel of Record  
Fox River Litigation

October 19, 2012

Re: United States v. NCR Corp., et al., No. 10-910 (E.D. Wisc.)

Dear Counsel:

In his rebuttal expert witness report, served on all counsel today, Dr. Hector Bravo proffers the opinion that the model described in the ATS Report authored by Dr. Simon, et al., is not sufficiently calibrated and validated. To make this point, Dr. Bravo compares the inadequate calibration and validation of the ATS model to three other similar and sufficiently calibrated and validated models, one of which is the Whole Lower Fox River Model (wLFRM).

At the present time, the United States plans to offer Dr. Bravo's testimony on the sufficiency of the calibration and validation of the wLFRM for the limited purpose of comparatively demonstrating that the calibration and validation of the ATS model is inadequate. Thus Dr. Bravo's testimony will be offered for the limited purpose of discrediting the ATS report and the model is presents, and not for the purpose of supplementing the Administrative Record in aid of the court's decision on the remedy selected for the site.

The United States believes there is no merit in the Certain Defendants' Motion for Reconsideration of the court's prior ruling on Certain Defendants' Motion to Supplement the Administrative Record (Dkt. 528). If, however, the court reconsiders its prior ruling and determines that supplementation of the record is appropriate with expert testimony on the wLFRM, the United States will offer Dr. Bravo's testimony for that purpose as well.

Sincerely,

s/ Sean Carman  
Sean Carman  
Trial Attorney  
(202) 514-2746